

## **REMARKS**

### **I. Introduction**

In a final Office Action mailed June 19, 2009, the Examiner: (1) objected to the specification, (2) rejected claims 11-17 under 35 U.S.C. § 101, (3) rejected claims 1-3, 5-11, and 13-17 under 35 U.S.C. § 103(a) over a combination of US Patent No. 6,549,922 ("Srivastava") and US Patent No. 6,374,260 ("Hoffert"), and (4) rejected claims 4 and 12 under 35 U.S.C. § 103(a) over a combination of Srivastava, Hoffert, and US Patent No. 6,943,720 ("Chu").

Applicants herein cancel claim 11, add new claims 18-20, and amend claims 1, 9, 10, and 12-17 to more clearly identify the subject matter for which applicants seek protection. As a result, claims 1-10 and 12-20 are now pending.

Applicants would like to thank Examiner Bengzon for his consideration during the interviews of August 21, 2009 and September 8, 2009. During the interview of August 21, 2009, applicants' representative and Examiner Bengzon discussed the objection to the specification and the Examiner's interpretation of Hoffert. During the interview of September 8, 2009, applicants' representative and Examiner Bengzon discussed some of the distinctions between Hoffert and independent claims 1, 9, and 10. Based on applicants' amendment and remarks, Examiner Bengzon agreed to withdraw the rejection of these claims under § 103(a) over the combination of Srivastava and Hoffert. However, Examiner Bengzon indicated that an additional search would be required. Examiner Bengzon further suggested amending the claims to recite the feature of calculating a score to determine whether the authoritative source is a ground truth database. Applicants thank Examiner Bengzon for this suggestion, and have added new claims 18-20, which are directed to determining whether the authoritative source qualifies as a ground truth database. Applicants respectfully request that the Examiner contact the undersigned attorney if he believes that any additional information regarding

the interview is necessary. For reasons discussed in detail below, applicants respectfully submit that the pending claims are now in condition for allowance.

## II. Objections to the Specification

### A. Claim 10

The Examiner objected to the specification as failing to provide antecedent basis for “a program readable medium” (emphasis added) as recited by independent claim 10 (Office Action, June 19, 2009, p. 3). Although applicants disagree with the propriety of this objection because the claims as originally filed recited a program readable medium, to advance examination applicants have amended independent claim 10 to address the Examiner's concern.<sup>1</sup> Applicants further submit that specification provides support for “a computer-readable storage medium” as recited by independent claim 10. For example, paragraph [0078] applicants' published specification states:

The present invention may be embodied in the form of computer-implemented processes and apparatus for practicing those processes. The present invention may also be embodied in the form of computer program code embodied in tangible media, such as floppy diskettes, read only memories (ROMs), CD-ROMs, hard drives, high density disk, or any other computer-readable storage medium, wherein, when the computer program code is loaded into and executed by a computer, the computer becomes an apparatus for practicing the invention. The present invention may also be embodied in the form of computer program code, for example, whether stored in a storage medium, loaded into and/or executed by a computer, or transmitted over some transmission medium, such as over electrical wiring or cabling, through fiber optics, or via electromagnetic radiation, wherein, when the computer program code is loaded into and executed by a computer, the computer becomes an apparatus for practicing the invention. When implemented on a general-purpose processor, the computer program code segments configure the processor to create specific logic circuits.

(Published Application No. 2002-0103920 ¶ [0078]; emphasis added). Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this objection to the specification.

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<sup>1</sup> Applicants further reserve the right to pursue claims directed to a program readable medium.

B. Claims 11-17

The Examiner objected to the specification as failing to provide antecedent basis for "a data transmission network conveying computer-executable instructions" as recited by claims 11-17 (Office Action, June 19, 2009, p. 4). Although applicants disagree with the propriety of this objection, applicants herein cancel independent claim 11 and amend dependent claims 12-17 to address the Examiner's concern. As amended, dependent claims 12-17 depend from independent claim 10 and recite a "computer-readable storage medium." As discussed above in Section II(A), applicants' specification provides support for a computer-readable storage medium. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this objection to the specification.

III. Rejections under 35 U.S.C. § 101

The Examiner rejected claims 11-17 under 35 U.S.C. § 101 for reciting "a data transmission network," which the Examiner interprets as a data signal (Office Action, June 19, 2009, pp. 4-5). Although applicants disagree with the propriety of this rejection, applicants have canceled independent claim 11 and amended dependent claims 12-17 to address the Examiner's concern. As amended, dependent claims 12-17 depend from independent claim 10 and recite a "computer-readable storage medium." Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 12-17 under 35 U.S.C. § 101.

IV. Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-17 under 35 U.S.C. § 103(a) over combinations of Srivastava, Hoffert, and Chu. Applicants respectfully traverse these rejections and submit that the cited references fail to disclose or suggest each of the elements recited by independent claims 1, 9, and 10.

Independent claims 1 recites "wherein the authoritative source is a source other than a person" and independent claims 9 and 10 recite "wherein the authoritative source is a database." Although the Examiner acknowledges that Srivastava fails to disclose these recited features, the Examiner asserts that Hoffert discloses these recited features (Office Action, June 19, 2009, pp. 7, 9). In particular, the Examiner states:

Hoffert disclosed a metadata database (Hoffert-Column 8 Lines 55-60) with a software agent (Hoffert-Column 8 Lines 60-65) for continually updating/modifying the media content metadata (Hoffert-Column 9 Lines 15-25). The Hoffert metadata database is equivalent to an authoritative source because it provides the source media file, is able to detect changes in the attributes of the media file including relevant text descriptions external to the media file itself, and the software agent uses the metadata database to propagate the changes to other copies of the media file.

(*id.* p. 7 citing Hoffert 8:55-65, 9:15-25; emphasis added). Applicants respectfully disagree with this characterization of Hoffert. In the sections of Hoffert cited by the Examiner, Hoffert describes a software agent that monitors for changes to media content previously uploaded to Hoffert's managed site (Hoffert 8:14-18, 57-64). Hoffert's software agent monitors for changes to the media content by monitoring the source of media content (i.e., the location at which the media content was found by the user) (*id.* 7:59-60, 8:57-64). According to Hoffert, "when new or different media content is detected at the source, a new copy of the file comprising the media content is copied to the central/managed site" (*id.* 64-67). Hoffert explains that "a comparison of attributes and characteristics of the source media file with metadata maintained for the copy of the media file may indicate the content has changed and a copy should therefore be loaded to the managed site" (*id.* 9:13-21). For example, if the HTML document title at which the media content is located has changed, Hoffert assumes that the media content has changed and uploads a new copy of the file to the central/managed site (*id.* 7:16-33, 9:13-21).

Even assuming that Hoffert also updates the metadata database with the changed metadata when the new copy of the file is uploaded to the central/managed site (i.e., the HTML document title), applicants submit that Hoffert's metadata database is not an authoritative source, as recited by independent claims 1, 9, and 10. As is made clear by applicants' specification, metadata associated with media files is often inaccurate (see, e.g., Published Application No. 2002-0103920 ¶¶ [0007], [0031]-[0032], [0042], [0046]). For example, a search result may contain media files that do not relate to a query where metadata matching the keywords of the query is erroneously associated with these media files. Thus, by definition, Hoffert's use of source metadata to update its metadata database renders Hoffert's metadata database a non-authoritative source. According to applicants' specification, an authoritative source is one that "comprises valid or authoritative metadata" (see, e.g., *id.* ¶¶ [0042]-[0045]; emphasis added). The specification describes valid or authoritative metadata as having the characteristics of being accurate: "[Metadata is] compared with fields in known databases (step 64), and replaced (step 65) with accurate metadata obtained from a valid (ground truth) database (see, e.g., *id.* ¶ [0042]). Indeed, applicants' specification describes an authoritative source as one "whose accuracy is known" (see, e.g., *id.*). Because Hoffert does not disclose or suggest that its metadata database contains valid or authoritative metadata, and because Hoffert updates its metadata database with metadata whose accuracy is unknown, applicants submit that Hoffert's metadata database is not an authoritative source.

Nevertheless, to advance examination, applicants have amended independent claims 1, 9, and 10 to more clearly identify the subject matter for which applicants seek protection. As amended, independent claim 1 recites that "the authoritative source is not a person, is not said media, and is not said media source from which said metadata was retrieved." Because Hoffert updates its metadata database with metadata obtained from the source of media content (Hoffert 7:59-60, 8:57-64), applicants submit that independent claim 1 and dependent claims 2-8 are patentable over Hoffert. As amended, independent claim 9 recites "storing said modified metadata in an index,

wherein said index is not said authoritative source, is not said media, and is not said media source from which said metadata was retrieved." Because Hoffert's authoritative source is the source of the media content, applicants submit that independent claim 9 is patentable over Hoffert. As amended, independent claim 10 recites that "said authoritative source is not said media source" and that "said index is not said authoritative source, is not said media, and is not said media source." Because Hoffert's authoritative source is the source of the media content and because Hoffert updates its metadata database with metadata obtained from the source of media content, applicants submit that independent claim 10 and dependent claims 12-17 are patentable over Hoffert.

For at least these reasons, applicants submit that independent claims 1, 9, and 10 are patentable over the combination of Srivastava and Hoffert. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-3, 5-10, and 13-17 under 35 U.S.C. § 103(a) over the combination of Srivastava and Hoffert, and the rejection of claims 4 and 12 under 35 U.S.C. § 103(a) over the combination of Srivastava, Hoffert, and Chu.

In addition, new dependent claims 18-20 recite additional features that further distinguish them over Srivastava, Hoffert, and Chu. In particular, dependent claims 18-20 each recite a basis used to qualify an authoritative source as a ground truth database. For example, dependent claims 18 and 19 recite "calculating a score representing a degree of similarity between contents of at least one field of noisy metadata and contents of at least one field of metadata from the authoritative source" and "wherein the authoritative source qualifies as a ground truth database if the calculated score satisfies a threshold value." As another example, dependent claim 20 recites "calculating a degree of similarity between the noisy metadata and the metadata from the authoritative source" and "when the calculated degree of similarity satisfies a threshold degree of similarity, indicating that the authoritative source is a ground truth database." Applicants can find no disclosure in any of the cited references of qualifying

an authoritative source as a ground truth database. Accordingly, applicants respectfully submit that dependent claims 18-20 are further patentable over Srivastava, Hoffert, and Chu.

V. Conclusion

In view of the above amendment and remarks, applicants respectfully request reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite examination of this application, the Examiner is encouraged to call the undersigned at (206) 359-8077. Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 283108007US from which the undersigned is authorized to draw.

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Respectfully submitted,

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